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9 Attorneys for SUN MICROSYSTEMS, INC.,  
10 MORGAN, LEWIS & BOCKIUS LLP, AND MAKING  
11 A SPECIAL APPEARANCE FOR JEFFREY  
12 KINGSTON, WHO HAS NOT BEEN SERVED

13 UNITED STATES DISTRICT COURT  
14  
15 NORTHERN DISTRICT OF CALIFORNIA  
16  
17 SAN JOSE DIVISION

18 In re Application of Microsoft Corp.

19 Case No. 06-80038 JF (PVT)

20 **[PROPOSED] ORDER GRANTING SUN**  
21 **MICROSYSTEMS, INC, MORGAN,**  
22 **LEWIS & BOCKIUS LLP, AND JEFFREY**  
23 **KINGSTON'S, BY SPECIAL**  
24 **APPEARANCE, MOTION TO AUGMENT**  
25 **THE RECORD**

26 Date: To Be Set  
27 Time: To Be Set  
28 Before: Honorable Jeremy Fogel  
Place: To Be Set

Complaint Filed: N/A  
Trial Date: N/A

1 The Court having considered the papers submitted in support of the Motion, as well as  
2 admissible evidence offered in connection therewith, finds as follows:

3 GOOD CAUSE HAVING BEEN SHOWN THEREFOR, it is hereby ordered that:

4 1. Sun Microsystems, Inc., Morgan, Lewis & Bockius LLP and, by special  
5 appearance, Jeffrey Kingston's Motion to Augment the Record, is hereby GRANTED.

6 2. It is FURTHER ORDERED that this Court will permit Sun Microsystems, Inc.,  
7 Morgan, Lewis & Bockius LLP and, by special appearance, Jeffrey Kingston to supplement the  
8 record with the documents attached to the Supplemental Declaration of James N. Penrod.  
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10 Dated: April \_\_, 2006  
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12 By \_\_\_\_\_  
13 Hon. Jeremy D. Fogel  
14 United States District Judge  
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